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OFFICE OF PETITIONS

In re Application of
Douglas Herman Grabenstetter et al.
Application No. 10/665,180
Filed: September 18, 2003
Attorney Docket No. 2002P13749US01

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),¹ filed May 2, 2006, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed September 27, 2005. A shortened statutory period of three months was set for replying Final Office Action. No extensions of time having been filed, the application became abandoned December 28, 2005. The instant petition and this decision precede the mailing of the Notice of Abandonment.

In response to the Final Office Action mailed September 27, 2005, petitioner has submitted

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

Additionally, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Finally, the fee set for a petition to revive is \$1500 for a large entity, not \$1300 as indicated in the petition. Since an authorization to charge petitioner's deposit account has been given, deposit account no. 19-2179 has been charged in the amount of \$1500 for the petition, not \$1300.

This matter is being referred to Technology Center 2125 for processing of the RCE and submission.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is fluid and cursive, with the first name "Patricia" being the most prominent part.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
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